

## **MINUTES**

### **METROPOLITAN CIVIL SERVICE COMMISSION**

**NOVEMBER 8, 2005**

The Metropolitan Civil Service Commission met for their regularly scheduled meeting on November 8, 2005 in the Civil Service Conference Room, Suite 163, 222 Building, Third Avenue North, Nashville, Tennessee, at approximately 8:30 a.m.

**Commission Members present:** Chairman William H. Farmer, Vice-Chairman R. Steve Corbitt, C. Michael Allen, and Ervina S. Jarrett.

**Other Members present:** Ron Deardorff, Human Resources Manager, Michael Safley, Metro Legal Department - Attorney.

**Members not present:** Dorothy S. Berry was not able to attend the meeting.

**OCTOBER 11, 2005 MINUTES:** Chairman Farmer called the meeting to order and said the first order of business was to determine if there were any amendments, corrections or questions of the minutes from the last regular meeting.

***With nothing further, Commissioner Jarrett moved for approval. Commissioner Allen seconded the motion and the Commission approved without objection.***

### **APPOINTMENTS**

<b><u>NAME</u></b>	<b><u>CLASSIFICATION</u></b>	<b><u>TYPE</u></b>	<b><u>DATE</u></b>
<b><u>EMERGENCY COMMUNICATIONS CENTER</u></b>			
*Sturtevant, Christy A	Emergency Telecommunications Officer 2	Demotion	09/24/05

\*Demotion from Emergency Telecom Officer 3 (ET3) to Emergency Telecom Officer 2 (ET2)

### **FINANCE**

Dungan, Casey L	Finance Admin	Promotion	09/26/05
McClarín, Greg A.	Finance Admin	Promotion	09/26/05
*Runion, Heidi L.	Finance Officer 2	Transition - Civil Service	09/21/05
Trent, Ann S.	Technical Specialist 2	New Hire	09/26/05

Transition to Civil Service from Emergency Status

### **FIRE**

*Daniel, Jennifer C.	Fire Fighter 1	Class Change	10/01/05
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\*Class change from Fire Recruit to Fire Fighter 1

**APPOINTMENTS**

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<b><u>GENERAL SERVICES</u></b>			
*Griffith, Terry A	Administrative Services Manager	Dept Transfer/Lateral	09/26/05
**Hammonds, Dean L.	Compliance Inspector 2	Class Change	10/17/05
Staley, James A	Finance Manager	Promotion	09/26/05
^Ingram, Angela K	Office Support Specialist 2	Dept Transfer/Promotion	10/10/05

\*Department Transfer from Finance to General Services, same classification

\*\*Class change from Building and Grounds Electrician (TG12) to Compliance Inspector 2 (SR9)

^Department transfer from Human Resources (Application Tech 1, SR7) to General Services (Office Support Spec 2, SR8)

**JUVENILE COURT**

*McClellan, John H.	Probation Officer 1	Transition - Civil Service	10/24/05
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\*Transition to Civil Service from a Grant Funded Position

**LEGAL**

Brunton, Sarah M.	Office Support Representative 2	Promotion	10/10/05
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**PARKS**

*Ingram Jr., Edgar D	Concessions Clerk 1	Class Change	09/16/05
**Gaebler, Herman T	Maintenance & Repair Worker 1	Transition - Civil Service	10/01/05
^Gorday, Stephen	Maintenance & Repair Worker 1	Transition - Civil Service	10/14/05
^Griffin, Justin K.	Maintenance & Repair Worker 1	Transition - Civil Service	10/14/05
^James, Justin C.	Maintenance & Repair Worker 1	Transition - Civil Service	10/14/05
^Moore, Michael S.	Maintenance & Repair Worker 1	Transition - Civil Service	10/14/05
^Ratliff, Jason S.	Maintenance & Repair Worker 1	Transition - Civil Service	10/14/05
Bryant, Branden S.	Maintenance & Repair Worker 2	Promotion	09/23/05
^Smith, Jeffery	Recreation Leader	Dept Transfer/Promotion	10/10/05

\*Class change from Custodian 1 (TG3) to Concessions Clerk 1 (SR4)

\*\*Transition to Civil Service from Seasonal Status

^Transition to Civil Service from Part Time Status

^^Department transfer from Social Services (Homemaker, SR5) to Parks (Recreation Leader, SR7)

**POLICE**

Walker III, William F.	Finance Manager	New Hire	10/16/05
*Goodwin, Gary L.	Police Lieutenant	Voluntary Reduction In Salary Grade	10/01/05

\*Voluntary reduction in salary grade from Police Captain (PS8) to Police Lieutenant (PS7)

**APPOINTMENTS**

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<b><u>PUBLIC LIBRARY</u></b>			
Stephenson, Kit E.	Librarian 1	New Hire	10/24/05
Bailey, Mary T.	Library Performing Artist	New Hire	10/10/05
<b><u>PUBLIC WORKS</u></b>			
Tidwell, Stanley K.	Application Tech 3	Promotion	10/10/05
Sharpley, Tyrus	Customer Service Field Rep 3	Promotion	10/03/05
Lindsey, William A.	Engineering Tech 3	New Hire	10/24/05
Bessire, Maurice E.	Equipment Operator 3	Re-Hire	10/04/05
Smith, Sharon L.	Facility Coordinator	Promotion	10/24/05
Davis, Gary D.	Info Systems App Analyst	Promotion	10/24/05
Ursery, Andy L.	Maintenance & Repair Worker 1	New Hire	10/24/05
Vanatta, Brandon E.	Maintenance & Repair Worker 1	New Hire	10/03/05
Vivrette, Shane N.	Maintenance & Repair Worker 1	New Hire	10/24/05
Morales, Pamela J.	Office Support Rep 1	New Hire	10/10/05
Reid, Donald L.	Transportation Manager	Promotion	10/24/05
<b><u>SHERIFF</u></b>			
Alvarez, Jason A.	Correctional Officer 1	New Hire	10/01/05
Bridges, Richard D.	Correctional Officer 1	New Hire	10/01/05
Cates, Clayton C.	Correctional Officer 1	New Hire	10/01/05
Cross, Clarissa Y.	Correctional Officer 1	New Hire	10/01/05
Decker, Kenneth A.	Correctional Officer 1	New Hire	10/01/05
Eads, Gary P.	Correctional Officer 1	New Hire	10/01/05
Evans Jr., William R.	Correctional Officer 1	New Hire	10/01/05
Flowers, Chris A.	Correctional Officer 1	Re-Hire	10/01/05
Gibson, Maria K.	Correctional Officer 1	New Hire	10/01/05
Harris, Sharron D.	Correctional Officer 1	New Hire	10/01/05
Herrera-Sadler, Susana M.	Correctional Officer 1	New Hire	10/01/05
Johnson, John P.	Correctional Officer 1	New Hire	10/01/05
Kensler, Charles E.	Correctional Officer 1	New Hire	10/01/05
Key, John B.	Correctional Officer 1	New Hire	10/01/05
Lesure Jr., Elmer M.	Correctional Officer 1	New Hire	10/01/05
Longstreth II, Richard T.	Correctional Officer 1	New Hire	10/01/05
Lovelace, Alesia D.	Correctional Officer 1	New Hire	10/01/05
McGill, Dennis S.	Correctional Officer 1	New Hire	10/01/05
Moore, Brandi R.	Correctional Officer 1	New Hire	10/01/05
Norris, Justin L.	Correctional Officer 1	New Hire	10/01/05
Oliff, Steven H.	Correctional Officer 1	New Hire	10/01/05
Peacock, Heather R.	Correctional Officer 1	New Hire	10/01/05
Ramsey, Richard D.	Correctional Officer 1	New Hire	10/01/05
Reasonover, Brandon R.	Correctional Officer 1	New Hire	10/01/05
Schwarz, Barbara A.	Correctional Officer 1	Re-Hire	10/01/05
Shearon, Nathaneal Mc.	Correctional Officer 1	New Hire	10/01/05
Smith, Sheena M.	Correctional Officer 1	New Hire	10/01/05
Stefko, Michael L.	Correctional Officer 1	New Hire	10/01/05
Talley, Joshua	Correctional Officer 1	New Hire	10/01/05
Thornton, Jonathan D.	Correctional Officer 1	New Hire	10/01/05
Vetetoe Jr., Kenneth D.	Correctional Officer 1	New Hire	10/01/05
Wade, Dante D.	Correctional Officer 1	New Hire	10/01/05
Walla, Nancy E.	Correctional Officer 1	New Hire	10/01/05
Wilson, Tyler D.	Correctional Officer 1	New Hire	10/01/05

**APPOINTMENTS**

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<b><u>WATER SERVICES</u></b>			
Reid, Falettha B.	Administrative Services Officer 3	Promotion	06/18/05
Hendrix, Darlene R.	Application Tech 1	Promotion	05/09/05
Earls, Lisa M.	Application Tech 1	Promotion	05/09/05
Keen, David F.	Application Tech 1	Promotion	05/09/05
Harper, Clint W.	Application Tech 1	Promotion	05/09/05
Gamble Jr., George C.	Customer Services Field Rep 3	Promotion	05/23/05
Fontaine, Michael W.	Customer Services Field Rep 3	Promotion	05/23/05
West, Dorwin R.	Customer Services Field Rep 3	Promotion	06/04/05
Smith, Daniel D.	Engineer 3	Promotion	05/09/05
Winesett Jr., Preston S.	Environmental Compliance Officer 3	Promotion	06/04/05
Walker, Kelby L.	Equipment Operator 3	Promotion	09/10/05
Parrish, Gary L.	Industrial Electrician 1	New Hire	10/22/05
Acevedo, Kevin M.	Industrial Electronics Tech 1	New Hire	10/22/05
Ryder, Thomas L.	Maintenance & Repair Worker 2	New Hire	10/03/05
Jones, Louis T.	Office Support Specialist 2	Promotion	05/09/05
Johnston, M. Carolyn	Service Representative 2	Promotion	08/13/05
Golden, Robert G.	Technical Specialist 1	Promotion	05/09/05
Mason, Donald S.	Technical Specialist 2	Promotion	05/09/05
Henderson, Gregory B.	Water Maintenance Tech 3	Promotion	05/09/05
Ward, Jonathan B.	Water Maintenance Tech 3	Promotion	05/09/05
Peacher, Preston S.	Water Maintenance Tech 3	Promotion	06/04/05
Hills II, Felix	Customer Service Field Rep 3	Promotion	06/02/05

**MOTION:** *After some discussion, Commissioner Jarrett moved for approval of the appointments as listed above. Seconded by Commissioner Allen and the Commission approved without objection.*

**NOTE:** *Vice-Chairman Corbitt questioned the delay for posting some appointments in Water Services. Mr. Deardorff said the tardiness was due to a system process error and has since been corrected.*

**TERMINATIONS/ PENSIONS**

<u>Name</u>	<u>Classification</u>	<u>Type</u>	<u>Department</u>	<u>Date</u>
Battle, Latanya K.	Emer Telecommunications Off 1	Resignation	Emerg Comm Center	09/26/05
McGuire, Leandrea D.	Emer Telecommunications Off 1	Resignation	Emerg Comm Center	09/23/05
Perry, Aaron H.	Emer Telecommunications Off 1	Dismissal	Emerg Comm Center	09/21/05
Sluski, George P.	Emer Telecommunications Off 1	Resignation	Emerg Comm Center	09/22/05
Pharris, Timothy W.	Fire Instructor	Pensioned	Fire	09/22/05
Arwine, Troy J.	Info Systems Division Manager	Resignation	Info Tech Service	09/21/05
Cothorn, Leah K.	Administrative Services Manager	Resignation	Metropolitan Clerk	09/16/05
Jordan, William H	Maintenance & Repair Worker 1	Dismissal	Parks	09/19/05
Alexander, Seth A.	Administrative Services Officer 3	Resignation	Public Library	10/05/05
Arant, Cecil G.	Circulation Assistant 1	Resignation	Public Library	09/23/05
Bain, Sherri Lynne	Librarian 2	Resignation	Public Library	09/17/05
Evans, Jennifer Y	Compliance Inspector 1	Resignation	Public Works	09/16/05
Caperton, James W.	Maintenance & Repair Worker 1	Resignation	Public Works	09/23/05
Brown, Lamondo V.	Correctional Officer 1	Resignation	Sheriff	09/30/05
Butler, David W.	Correctional Officer 1	Resignation	Sheriff	09/30/05
Evitts, Larry S.	Correctional Officer 1	Resignation	Sheriff	09/19/05

**TERMINATIONS/ PENSIONS**

<u>Name</u>	<u>Classification</u>	<u>Type</u>	<u>Department</u>	<u>Date</u>
Pickel, Amanda K.	Correctional Officer 1	Resignation	Sheriff	10/06/05
Reid, Dewayne G.	Correctional Officer 1	Resignation	Sheriff	09/29/05
Williams, Bryan E.	Social Worker 3	Resignation	Social Services	09/23/05
Plummer, Floyd	Customer Services Field Rep 1	Resignation	Water Services	09/23/05
Brown, Jimmy L.	Industrial Mechanic 1	Pensioned	Water Services	09/27/05
Thomas, Fred E	Technical Services Coordinator	Pensioned	Water Services	09/30/05

**MOTION:** *After some discussion, Commissioner Jarrett moved to accept the Termination/ Pension report for the dates and reasons stated. Seconded by Commissioner Allen and the Commission approved without objection.*

**ELIGIBILITY REGISTER REPORT- ESTABLISHED**

<u>Classification</u>	<u>Type</u>	<u>Requesting Department</u>
Administrative Services Officer 2-Accounts	Dept	Finance
Administrative Services Officer 3-Accounts	Dept	Finance
Application Tech 2-Accounts Payable	Dept	Finance
Finance Officer 2-Accounts	Dept	Finance
Finance Officer 3-Accounts	Open	Finance
Fire Engineer	Dept	Fire
Building Maintenance Lead Mechanic	Dept	General Services
Office Support Specialist 2-Fleet	Open	General Services
Human Resources Analyst 3-Benefits	Dept	Human Resources
Human Resources Analyst 3-Special Projects	Dept	Human Resources
Library Performing Artist 1	Open	Library
Engineering Tech 3-Paving Management	Open	Public Works
Facility Coordinator - PW	Dept	Public Works
IS Application Analyst 2-PW	Dept	Public Works
Contract Administrator – Asst Director Adult & Family	Dept	Social Services
Special Projects Manager – Director of Adult & Family	Open	Social Services
Industrial Electrician 1	Open	Water
Industrial Electronics Tech 1	Open	Water
Maintenance & Repair Worker 2-K.R. Harrington	Open	Water

**REGISTERS ABOLISHED**

<u>Date Established</u>	<u>Classification</u>	<u>Number On Register</u>	<u>Register</u>
08/28/03	Technical Specialist 1-Real Estate	07	Open
01/21/05	Circulation Supervisor	03	Open
12/20/02	Carpenter 1	33	Open
10/12/04	Maintenance & Repair Worker 3-Grounds Maint.	02	Dept
12/14/04	Planning Tech 1-Bonds	49	Open
03/30/05	Administrative Services Officer 3-Helicopter	11	Open
08/04/03	Professional Specialist-Crime Analyst	24	Open
05/25/04	Correctional Officer Lieutenant	22	Dept

**MOTION:** *After some discussion, Commissioner Jarrett moved to accept the Register Report as submitted. Seconded by Commissioner Allen and the Commission approved without objection.*

## **DEPARTMENTAL ITEMS**

### **JUVENILE COURT**

REQUEST: Judge Betty Adams Green, represented by Phoebe Johnson, requested approval to Extend Leave from Civil Service for the following persons effective July 1, 2005 thru June 30, 2006.

Delores Gwin, Administrative Assistant – Juvenile Accountability Grant  
L'Tannia H. Williams, Program Manger – Child Support Enforcement Grant  
Margo Cooper, Administrative Assistant – Child Support Enforcement Grant

Juvenile Court has been awarded funding for the Juvenile Accountability Incentive Block Grant and for the Child Support Enforcement Grant this fiscal year. Ms. Gwin, Ms. Williams and Ms. Cooper have requested leave from Civil Service to work under these grants. Their knowledge of the Juvenile Court and expertise in this area are valuable for the effectiveness of the programs' operation

**MOTION:** *After some discussion, Commissioner Allen moved for approval of the request as listed. Seconded by Vice-Chairman Corbitt and the Commission approved without objection.*

### **EMERGENCY COMMUNICATIONS CENTER**

REQUEST: Ms. RoxAnn Brown, Director, represented by Lisa Sullivan, requested approval for an Extended Administrative Leave with Pay for Jon Salzgiver.

Mr. Saltzgiver was placed on Administrative Leave with Pay pending an investigation involving threats of violence towards another employee. Due to the nature of the alleged charges involved, conclusion of this matter exceeded the ten days allowed by Civil Service rules. The Department requested an additional four (4) days to complete the matter.

**MOTION:** *After some discussion, Commissioner Allen moved for approval of the request as listed. Seconded by Commissioner Jarrett and the Commission approved without objection.*

### **INFORMATION TECHNOLOGY SERVICES**

REQUEST: Ms. Beverly Cole, ITS Assistant Director, represented by Erin Hampton, requested approval for Leave from Civil Service to work as the Interim Director of ITS, effective October 7, 2005 thru October 6, 2006.

Ms. Cole was recently appointed as Interim Director of ITS. This appointment was due to the vacancy created by the resignation of Mr. Richard McKinney. ITS is currently in the process of recruiting a new Director. The Director of ITS position is Non-Civil Service.

**MOTION:** *After some discussion, Commissioner Jarrett moved for approval of the request as listed. Seconded by Vice-Chairman Corbitt and the Commission approved without objection.*

## **HUMAN RESOURCES**

Ms. Dorothy S. Berry, Interim Director, submits the following for the Commission's consideration and appropriate action:

(1: **Approval for Amendment to the Pay Plan - Create classification of Claims Division Assistant Manager**

Karl Dean, Director of Law, has proposed and requested the Civil Service Commission to approve addition of the classification "Claims Division Assistant Manager", as an amendment to the Metropolitan Government pay plan. This request is being made in accordance with section 12.10 of the Metropolitan Charter.

This proposed action does not open the pay plan for widespread revision, but addresses the Legal Department recommendations for the organization based on review of their structure and functions. The classification would be assigned to pay grade level SR12 based on the responsibility for the property insurance program, in addition to supervision of the division.

Abbie Hudgins, Risk Manager, was present before the Commission.

**MOTION:** *After some discussion, Vice-Chairman Corbitt moved for approval of the request as listed. Seconded by Commissioner Jarrett and the Commission approved without objection.*

(2: **Appeal of Medical Disqualification by Brett Bjork, Applicant for Police Officer Trainee**

Brett Bjork was disqualified as a Police Officer applicant due to his failure to meet required Hearing standards. He provided medical evaluations from two private physicians to support his appeal. Metro Medical Examiner Chris Fletcher reviewed the physician evaluations relative to Army Regulation 40-501, specifically for hearing standards. Dr. Fletcher responded that Mr. Bjork does not meet the medical/hearing requirements for Police Officer Trainee.

The Department of Human Resources recommended that the Commission should uphold the Medical Examiner's decision to disqualify Mr. Bjork in accordance with Civil Service rule 7.3 and Army Regulation 40-501.

**SECTION 7.3 – APPLICANT REVIEWS AND APPEALS (2.13) General rules on applicant review and appeals are provided in Section 2.13 and related policies. The following rules govern those examination procedures which apply only for Police Officer Trainee.**

- B.** Appeal of disqualification for the following reasons shall be considered by the Civil Service Commission.
  1. Applicants who are given a tentative offer of employment will be sent for a physical exam to be performed by a physician designated by the Director of the Health Department. Applicants who do not meet the physical standards of Army Regulation 40=501 may file a request with the Civil Service Commission for a waiver. The applicant must submit any additional medical evaluations to the examining physician at the Health Department. **The examining physician at the Health Department will make a written report to the Commission after review of these records.** The Commission will consider each applicant on a case-by-case basis to assess the individual's ability to perform the essential functions of a Police Officer Safely and effectively.

**ACTION:** *This item was deferred to the December 13<sup>th</sup> meeting until such time additional medical information can be obtained from Mr. Bjork and reviewed by Dr. Fletcher.*

## (3: Review of Initial Order - Manuel Fonseca, Fire / 5 Days Suspension

Fire Captain Manuel Fonseca was suspended from the Metropolitan Fire Department for a total of five (5) working days without pay, for alleged violation of Civil Service rule 6.7, provision #32, #33 – Any Failure of good behavior and Conduct unbecoming an employee of the Metropolitan Government. Captain Fonseca appealed his suspension to the Commission and the case was assigned to Hearing Officer Ervina Jarrett. Captain Fonseca was represented by Attorney James Harris and Andrew McClanahan, Metro Attorney, represented the Fire Department.

The case was heard on August 15, 2005 before Commissioner Jarrett. On September 24, 2005, Commission Hearing Officer Jarrett entered an Initial Order to Overturn the five (5) days suspension without pay and ordered that Manuel Fonseca be made whole.

Metro Attorney, Andrew McClanahan, was present before the Commission, however, Attorney James Harris was not present for the review.

**MOTION:** *After some discussion, Vice-Chairman Corbitt moved Uphold the Initial Order as submitted by Hearing Officer Ervina Jarrett Secoded by Commissioner Allen and the Commission approved without objection.*

## (4: Review of Initial Order - Kendal Jaeger, Police/Grievance

This case was heard on July 27, 2005, involving Officer Kendall Jaeger, an employee of the Metropolitan Nashville Police Department. Officer Jaeger filed an appeal of the Appointing Authority's decision to deny his grievance which involved his eligibility to remain on the Police Sergeant promotional list. His case was assigned to Administrative Hearing Officer and Civil Service Commissioner Ervina Jarrett. Officer Jaeger was represented in the proceeding by Attorney Brocklin Parks and Ms. Rita Roberts-Turner, Metro Attorney, represented the Police Department.

On October 12, 2005, Hearing Officer Jarrett entered an Initial Order to Overturn the Appointing Authority's decision to deny Officer Jaeger's grievance.

- She found that according to Civil Service rule 2.6-1, names **may** be removed from the eligible register at the discretion of the Director of Human Resources. However, Officer Jaeger's name was not removed from said Eligibility Register. **Officer Jaeger had been notified by the department and congratulated for his promotion to Police Sergeant.** The Human Resources Department then realized that his name **may** have needed to be removed from the Promotional Eligibility List for Police Sergeant.
- A decision was then made by the Director of HR that Officer Kendall Jaeger was not eligible for Promotion to Sergeant and that his name must be removed from the Sergeant Promotional Eligible list.
- Hearing Officer Ervina Jarrett concluded that the decision to stop the promotion after Officer Jaeger received a promotional congratulations notice from the department, then further removed his name from the promotional eligibility list, **whether** the decision resulted from an oversight or was intentional (application of CS rule 2.6-1) by the HR Director, either way / regardless, the Hearing Officer determined that the decision was wrong.
- She then ordered that Officer Jaeger shall be reinstated to the Police Sergeant Promotional list according to his previous ranking on said list.

Metro Attorney Rita Roberts Turner and Attorney Doug Sloan were present before the Commission for discussion.

**MOTION:** *After much discussion, Vice-Chairman Corbitt moved for approval to Reverse the Initial Order submitted by Hearing Officer Ervina Jarrett. Seconded by Commissioner Allen and the Commission approved without objection.*

(5: Review of Initial Order – James Ballentine, Water Services /30 Days Suspension & Full Demotion

James Ballentine was demoted from a Water Maintenance Technician II to a Water Maintenance Technician I and suspended for thirty (30) days without pay from the Department of Water Services. He was charged with violation of provisions in Civil Service rule 6.7 – provision #16, which deals with inability to perform duties when reasonable accommodation has been considered and can not be made. Mr. Ballentine appealed this decision to the Civil Service Commission and Administrative Law Judge John Hicks was assigned to hear the case. Margaret Darby, Metro Legal Department, represented the Water Services Department and Ballentine was represented by Attorney Jeffrey Frensley.

On June 13, 2005, Administrative Law Judge John Hicks entered an Initial Order providing that the decision to suspend and demote Ballentine shall be reversed and that Mr. Ballentine shall be reinstated to a Water Maintenance Technician, receive back pay and shall be paid for Attorney fees.

On June 28, 2005, Metro Attorney Margaret Darby filed a Petition for Reconsideration of the Initial Order. Both parties have since filed additional briefs which are enclosed in the packet for review.

Ms. Darby and Mr. Frensley were present before the Commission for discussion.

**MOTION:** *After much discussion, Vice-Chairman Corbitt moved for approval to modify the Initial Order as submitted by Administrative Law Judge John Hicks by offering Mr. Ballentine his former position at Water Services as Technician II, to award back pay and other benefits up until the date Mr. Ballentine voluntarily resigned from Metro Government and that he be given thirty days effective this Commission meeting to accept the offer. It will be the responsibility of the attorneys to settle back pay as directed by the Commission. Seconded by Commissioner Allen and the Commission approved without objection.*

(6: Review Order of Default and Dismissal of Appeal - Shavonne Manson, MAC/Dismissal

Shavonne Manson, Teacher Assistant, was dismissed from employment with the Metropolitan Action Commission for violation of MAC policies and procedures – Chapter 6, subsection #1, #2, #25, #27 (a, b, c) dealing with failure to perform official duty and failure to adhere to Head Start standards of conduct. Ms. Manson appealed this decision to the Civil Service Commission. On September 25, 2005, Administrative Law Judge Joyce Safley entered an Initial Order of Default and Dismissal, providing that the party failed to attend or participate in a pre-hearing conference and failed to participate in the case proceeding.

Metro Attorney Susan Jones was present before the Commission for discussion. Ms. Manson did not appear nor did anyone appear on her behalf.

**MOTION:** *After some discussion, Vice-Chairman Corbitt moved for approval of the Order of Default and Dismissal as submitted by Administrative Law Judge Joyce Safley. Seconded by Commissioner Jarrett and the Commission approved without objection.*

(7: Review of Initial Order - Brooke Hale, Planning Commission/Dismissal

Brook Hale, Office Support Rep. III, was dismissed from employment with the Metropolitan Planning Commission for violation of Civil Service rule 6.7 provisions #2, and #16 dealing with failure to perform official duties and responsibilities. Ms. Hale appealed this decision to the Civil Service Commission. The hearing was conducted on July 13, 2005, and on September 21, 2005, Administrative Law Judge Anthony Adgent entered an Initial Order to Uphold the Appointing Authority's decision to terminate the employment of Brooke Hale from the Metro Planning Commission.

Margaret Holleman, Metro Legal Department, represented the Metro Planning Commission and Ms. Hale was represented by Attorney Ronald Hooper. On October 27, 2005, Attorney Hooper submitted a brief in support of the appellant's appeal to the Civil Service Commission and on October 28, 2005, Metro filed a brief in response.

Metro Attorney, Margaret Holleman and Attorney Ron Hooper were present before the Commission for discussion.

**MOTION:** *After much discussion, Vice-Chairman Corbitt moved for approval to Uphold the Initial Order as submitted by Administrative Law Judge Anthony Adgent. Secoded by Commissioner Jarrett and the Commission approved without objection.*

(8: Communiqués from the public on pending hearings

Chairman Farmer said a letter was sent to all Commissioners from Gary Blackburn regarding the Kendal Jaeger hearing. There was nothing further to discuss.

With nothing further, the regular meeting adjourned at 10:55 a.m.

ATTEST:

APPROVED:

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Mr. Ron Deardorff, HR Manager  
Civil Service Commission

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William H. Farmer, Chairman  
Civil Service Commission